

Dear members

The UKSU Representative Committee has had regular interactions with management during 2020 and 2021, regarding COVID regulations and protocols in the workplace. Towards the end of last year the University raised the issue of a return to campus in 2022. However, at this time UKSU has not officially been made aware of management's decision.

The RepComm acknowledges that UKSU's members will hold different views on vaccination and mandatory vaccination. The UKSU RepComm is committed to support every member's right to make an informed decision and to be provided with factual information.

The following should be noted in terms of employers' legal obligations:

- Employers are obligated, at all times, "to provide and maintain, as far as reasonably practicable, a working environment that is safe and without risk to the health of his employees" (OHSA No 85 of 1993 as amended). The Act also extends this obligation to those who are not employees but are affected by the employer's activities.
- The DoEL regulations (Govt Gazette No. 44700) allow for mandatory vaccine decisions by employers. The following important points are in the gazette:
 - staff may refuse vaccination on constitutional or medical grounds;
 - if a staff member refuses, the employer must counsel the employee and if requested by the employee, they must be allowed to seek guidance from a health and safety worker and/or union representative;
 - if the refusal is on medical grounds due to a medical contra-indication, the employer must refer the employee for medical evaluation;
 - "If necessary", the employer must take steps to "reasonably accommodate the employee". The DoEL regulations provide some examples of what this may entail.

The UKSU RepComm wishes to assure its members that it will continue to ensure the employer follows its obligations in law and that members' rights are maintained, both collectively and individually.

Regards

UKSU Representative Committee

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